

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RHONDA BROWN, a Washington resident,	)	
	)	
Plaintiff,	)	
	)	<b>NO.</b>
vs.	)	
	)	
1763 INVESTMENTS, a Limited Liability	)	<b>COMPLAINT FOR</b>
Company,	)	<b>DECLARATORY</b>
	)	<b>AND INJUNCTIVE RELIEF</b>
Defendant.	)	
	)	
	)	
	)	

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COMES NOW, Plaintiff, Rhonda Brown, by and through her attorneys Conrad A. Reynoldson and Felicity Chamberlain of Washington Civil & Disability Advocate, for her Complaint for Declaratory and Injunctive Relief to state and allege as follows:

**I. OVERVIEW**

1. The Americans with Disabilities Act and the Washington Law Against Discrimination require places of public accommodation to be accessible to people with disabilities.

2. The Malm's Dry Cleaning in Tacoma is a place of public accommodation within the meaning of Title III of the ADA, 42 U.S.C. § 12181(7), and its implementing regulation, 28

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1 C.F.R. § 36.104.

2 3. Over 29 years after the passage of the Americans with Disabilities Act (the  
3 “ADA”), Defendant discriminates against individuals with disabilities because Defendant leases  
4 or operates a property as a place of public accommodation that does not comply with the ADA  
5 accessibility laws and regulations, enacted into law to protect persons with disabilities.

6 4. Therefore, Plaintiff brings this action to end the civil rights violations at a place of  
7 public accommodation by Defendant 1763 Investments, LLC against persons with mobility  
8 disabilities.

9  
10 **II. PARTIES**

11 5. Plaintiff Rhonda Brown is a Washington resident and resides in this district.

12 6. Ms. Brown is unable to walk and uses a wheelchair and modified vehicle for  
13 mobility. She requires accessible parking and an accessible route to patronize Malm’s Dry  
14 Cleaning on defendant’s property.

15 7. Defendant 1763 Investments, LLC is a Washington Limited Liability Company  
16 with a registered agent at 1763 Jackson Ave, Tacoma, WA 98465.

17  
18 **III. JURISDICTION AND VENUE**

19 8. This court has jurisdiction pursuant to 28 U.S.C. § 1331, which gives district  
20 courts original jurisdiction over civil actions arising in the Constitution, laws, or treaties of the  
21 United States.

22 9. This court has jurisdiction pursuant to 28 U.S.C. § 1343(a)(4), which gives district  
23 courts jurisdiction over actions to secure civil rights under Acts of Congress.

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1           10.     This court has jurisdiction pursuant to 28 U.S.C. § 1367, which gives district  
2 courts supplemental jurisdiction over state law claims.

3           11.     Venue is appropriate in this judicial district under 28 U.S.C. § 1391 because the  
4 practices and procedures that gave rise to the Plaintiff's Complaint for Injunctive Relief and  
5 Damages occur in this district.

6  
7                                   **IV.     FACTUAL ALLEGATIONS**

8           12.     The ADA was enacted in 1990, "[t]o establish a clear and comprehensive  
9 prohibition of discrimination on the basis of disability."

10          13.     The ADA prohibits places of public accommodation from providing individuals  
11 with disabilities with separate or unequal benefits and services.

12          14.     Defendant's property is one example of countless places of public  
13 accommodation that are difficult or dangerous to access due to substantial and numerous  
14 compliance issues with the ADA.

15          15.     Defendant's property leases to two businesses that share a parking lot. The  
16 parking lot has no accessible parking stalls at all.

17  
18                                   **PLAINTIFF**

19          16.     Ms. Brown is a Tacoma, Washington resident.

20          17.     Ms. Brown is limited in the major life activity of walking and is thus a qualified  
21 person with a disability within the meaning of Title III of the ADA and the Washington Law  
22 Against Discrimination.

23          18.     Ms. Brown uses a wheelchair and a modified vehicle for transportation.

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1 19. Ms. Brown travels throughout the Greater Tacoma Area on a regular basis.

2 20. Ms. Brown informed Malm's Dry Cleaning that they were required to have an  
3 accessible stall back in 2015, but was told by the staff that they refuse to install a van accessible  
4 parking space. She uses a modified van with a ramp, so she cannot patronize the business  
5 without risking someone blocking her in because of the lack of access aisle.

6 21. Ms. Brown has attempted to patronize the business as recently as August 2019,  
7 but has found that they still have not added an ADA accessible parking stall.

8 22. Ms. Brown will return to the property in question once the accessibility barriers  
9 are addressed.

10  
11 **DEFENDANT'S PROPERTY**

12 23. Ms. Brown has patronized the Malm's Dry Cleaning on Defendant's property  
13 located at 1763 S Jackson Ave Tacoma, WA 98465.

14 24. Ms. Brown used her wheelchair and modified vehicle for transportation, albeit at  
15 personal risk due to existing accessibility barriers.

16 25. Ms. Brown does not feel safe accessing the property as is due to the current  
17 accessibility barriers.

18 26. The barriers Ms. Brown encountered included a complete lack of accessible  
19 parking, van accessible or otherwise.

20 27. Defendant's property does not comply with the ADA's accessibility laws and  
21 regulations under either the 1991 ADA Standards for Accessible Design (1991 Standards) or the  
22 2010 ADA Standards for Accessible Design (2010 Standards).

23 28. At Defendant's parking lot located at 1763 S Jackson Ave Tacoma, WA 98465,

1 there are twelve parking stalls. None of them are designated ADA accessible.

2 29. Under both the 2010 ADA Standards and the 1991 ADA Standards, Defendant  
3 must provide one van accessible space with a sign designating the parking stall “Van  
4 Accessible”. In violation of the ADA Sections 208.2.4 and 502.6 of the 2010 Standards and  
5 Section 4.1.2(5)(a) and (b), 4.6.1 and 4.6.4 of the 1991 Standards, Defendant has failed to  
6 designate any appropriately sized and marked van-accessible spaces.

7 30. Ms. Brown’s attorney, Felicity Chamberlain of Washington Civil & Disability  
8 Advocate, provided additional voluntary pre-litigation notice and an opportunity to settle this  
9 matter without a lawsuit by letter dated August 8, 2019.

10 31. Ms. Brown’s attorney, Felicity Chamberlain of WACDA, attempted to settle this  
11 matter without lawsuit by emails and phone calls with Ronda Malm, an agent of 1763  
12 Investments, LLC.

13 32. Despite Plaintiff’s efforts, the parties have been unable to reach a settlement as of  
14 the filing of this complaint.

15 33. Defendant’s property is not safe or welcoming for people who use wheelchairs  
16 because it does not comply with the ADA’s accessibility laws and regulations.

17 34. The failure of Defendant to make the property comply with the ADA’s  
18 accessibility laws and regulations works to exclude people with disabilities from equal access  
19 and enjoyment at the property.

20  
21 **V. FIRST CAUSE OF ACTION**  
22 **Title III of the Americans with Disabilities Act of 1990**  
**42. S.C. § 12101 et seq.**

23 35. Ms. Brown incorporates by reference each and every allegation in the paragraphs  
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1 above.

2 36. Ms. Brown is limited in the major life activity of walking and is thus a qualified  
3 individual with a disability within the meaning of Title III of the ADA.

4 37. Title III of the ADA states in relevant part: “No individual shall be discriminated  
5 against on the basis of disability in the full and equal enjoyment of the goods, services, facilities,  
6 privileges, advantages, or accommodations of any place of public accommodation by any person  
7 who owns, leases (or leases to), or operates a place of public accommodation.” 42 U.S.C. §  
8 12182(a).

9 38. Defendant, 1763 Investments, LLC, owns or leases the property at 1763 S  
10 Jackson Ave Tacoma, where Malm’s Dry Cleaning is located.

11 39. Malm’s Dry Cleaning is a place of public accommodation. 42 U.S.C. § 12181(7).

12 40. Defendant has discriminated against Plaintiff on the basis of her disability.

13 41. Defendant’s discriminatory conduct includes but is not limited to:

- 14 a. Discriminatory exclusion and/or denial of goods, services, facilities, privileges,  
15 advantages, accommodations, and/or opportunities;
- 16 b. Provision of goods, services, facilities, privileges, advantages, and/or  
17 accommodations that are not equal to those afforded non-disabled individuals;
- 18 c. Failing to make reasonable modifications in policies, practices, and/or procedures  
19 as necessary to afford the goods, services, facilities, privileges, advantages, and/or  
20 accommodations to individuals with disabilities;
- 21 d. Failing to make alterations in such a manner that, to the maximum extent feasible,  
22 the altered portions are readily accessible to and usable by individuals with  
23 disabilities, including individuals who use wheelchairs;

e. Failing to remove barriers to individuals with disabilities where it would be readily achievable to do so.

42. As such, Defendant discriminates and, in the absence of the injunction requested herein, will continue in the future to discriminate against Plaintiff on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, accommodations and/or opportunities at Defendant's property in violation of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181 et seq. and/or its implementing regulations.

43. Defendant's discriminatory conduct as alleged in this Complaint for Declaratory and Injunctive Relief has harmed Ms. Brown, and the harm continues.

44. Defendant's discriminatory conduct as alleged in this Complaint for Declaratory and Injunctive Relief entitles Ms. Brown to declaratory and injunctive relief. 42 U.S.C. § 12188.

45. Defendant's discriminatory conduct as alleged in this Complaint for Declaratory and Injunctive Relief entitles Ms. Brown to recover reasonable attorneys' fees and costs incurred in bringing this action. 42 U.S.C. § 12205.

**VI. SECOND CAUSE OF ACTION**  
**Violation of the Washington Law Against Discrimination**  
**(R.C.W. §§ 49.60.010 et seq.)**

46. Ms. Brown incorporates by reference the allegations in the paragraphs above.

47. Ms. Brown is a qualified individual with a disability within the meaning of the Washington Law Against Discrimination.

48. Section 49.60.030(1) of the Revised Code of Washington provides in pertinent part: "The right to be free from discrimination because of . . . the presence of any sensory, mental, or physical disability . . . is recognized as and declared to be a civil right. This right shall

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1 include, but not be limited to: . . . (b) The right to the full enjoyment of any of the  
2 accommodations, advantages, facilities, or privileges of any place of public resort,  
3 accommodation, assemblage, or amusement . . . .”

4 49. Defendant, 1763 Investments, LLC, owns or leases the property where Malm’s  
5 Dry Cleaning is located.

6 50. Defendant has violated and continues to violate §§ 49.60.010 *et seq.* of the  
7 Revised Code of Washington by failing to meet multiple accessibility requirements under the  
8 ADA.

9 51. Defendant’s actions constitute discrimination against persons with disabilities and  
10 violate the Washington Law Against Discrimination, Revised Code of Washington § 49.60.010  
11 *et seq.*, in that persons with mobility disabilities have been and are denied full and equal  
12 enjoyment of the accommodations, advantages, facilities, privileges, and services that Defendant  
13 provides to individuals who do not have disabilities.

14 52. As a direct and proximate result of Defendant’s discriminatory conduct as alleged  
15 in this Complaint for Declaratory and Injunctive Relief, Ms. Brown has suffered and continues to  
16 suffer difficulty, hardship, isolation, and segregation due to Defendant’s failure to remediate.

17 53. Defendant’s discriminatory conduct as alleged in this Complaint for Declaratory  
18 and Injunctive Relief has denied Ms. Brown the full and equal enjoyment of services that the  
19 Washington Law Against Discrimination requires.

20 54. Ms. Brown has a clear legal right to access the business at Defendant’s property  
21 under the Washington Law Against Discrimination.

22 55. Ms. Brown has the right for Defendant’s property to comply with the ADA’s  
23 accessibility laws and regulations under the Washington Law Against Discrimination.





64. Award such additional or alternative relief as may be just, proper and equitable.

DATED THIS 20th day of September, 2019

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